

Prob12B  
D/NV Form  
Rev. June 2014

United States District Court  
for  
the District of Nevada

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**REQUEST FOR MODIFICATION  
TO CONDITIONS OF SUPERVISION WITH CONSENT OF OFFENDER**  
*Probation Form 49 (Waiver of Hearing) is Attached*  
**March 18, 2022**

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Name of Offender: **Joseph Nocedal**

Case Number: **2:21CR00089**

Name of Sentencing Judicial Officer: **Honorable Andrew P. Gordon**

Date of Original Sentence: **June 9, 2021**

Original Offense: **Operating a Motor Vehicle While Under the Influence of Alcohol**

Original Sentence: **12 Months probation**

Date Supervision Commenced: **September 1, 2021**

Name of Assigned Judicial Officer: **Honorable Andrew P. Gordon**

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**PETITIONING THE COURT**

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☒ To modify the conditions of supervision as follows:

1. **Alcohol Monitoring** – You must complete Alcohol Monitoring via Soberlink SL2 for a period of 90 days, as approved and directed by the probation officer. Offender to pay costs of the program based on his ability to do so.

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**CAUSE**

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By way of case history, on June 9, 2021, Your Honor sentenced Joseph V. Nocedal, III to 12 months' probation, consecutive to the sentence in case 2:05-cr-00084-APG-NJK and 2:05-cr-00185-APG-NJK, for committing the offense of Operating a Motor Vehicle while Under the Influence of Alcohol, in case 2:21-cr-00089-APG-NJK-1.

**RE: Joseph Nocedal**

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Nocedal has had some issues maintaining his sobriety since being placed back on supervision after his revocation in the other cases. He has failed to report as directed for drug and alcohol testing on four (4) occasions.

On March 2, 2022, the undersigned officer was contacted by Nocedal and an officer with the Las Vegas Metropolitan Police Department regarding an incident that took place at Nocedal's home. Nocedal explained that his girlfriend was struck in front of his home by a vehicle driven by a friend. Nocedal was belligerent and emotional during the phone call and not making much sense. It was suspected he was under the influence of alcohol. The undersigned asked him if he had been drinking alcohol and he denied use. The undersigned directed him to go to the drug and alcohol testing treatment vendor TOMO immediately that day to submit a drug and alcohol test. Nocedal failed to report for testing as directed.

On March 2, 2022, the undersigned also made cellphone contact with the responding officer who confirmed that Nocedal's friend had ran over Nocedal's girlfriend in a vehicle in their driveway. The friend was arrested and taken into custody for the incident. The officer stated Nocedal appeared to be extremely intoxicated, but no charges were pressed against him.

On March 4, 2022, the undersigned spoke with Nocedal again in which he admitted to drinking four (4) beers the morning of March 2, 2022. The undersigned verbally admonished Nocedal for drinking alcohol when he knows he has issues with alcohol and is prohibited by Your Honor from possessing and consuming alcohol.

As noted, Nocedal was previously under supervision with our office in two other cases. Nocedal's term of supervision in those cases was riddled with violations to include noncompliance with testing, alcohol use, and commission of a new crime (DUI). Considering Nocedal's substantial history of alcohol abuse, and recent incident at his home involving alcohol, the undersigned officer is proposing that the Court modify his conditions to include intensive alcohol monitoring for a period of 90 days via Sobertrack. Nocedal will be equipped with a portable breathalyzer he must have on his possession at all times and will be required to submit to multiple alcohol tests daily.

Nocedal has agreed to the proposed modification as evidenced by his signature on the attached Waiver of hearing (PROB 49) form. In addition to the alcohol monitoring device, the probation office will be increasing his random drug and alcohol testing frequency to ensure his compliance with testing protocol. Nocedal will also have to repeat three steps that he previously completed in his Moral Reconciliation Treatment program. Nocedal has been issued a stern warning that any further violations will result in additional court notification, further sanction and possibly initiation of revocation proceedings.

**RE: Joseph Nocedal**

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Our office will continue to monitor the status Nocedal's progress. Should the Court have any questions or concerns regarding this matter, the undersigned can be reached at (702) 378-2338.

Respectfully submitted,



Digitally signed by  
Nickie Pipilakis  
Date: 2022.03.21  
11:31:47 -07'00'

Nickie Pipilakis  
United States Probation Officer

Approved:



Digitally signed by  
Todd Fredlund  
Date: 2022.03.21  
10:27:22 -07'00'

Todd J. Fredlund  
Supervisory United States Probation Officer

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***THE COURT ORDERS***

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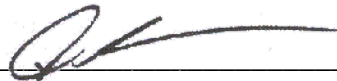
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- ☐ No Action.
- ☒ The modification of conditions as noted above
- ☐ Other (please include Judicial Officer instructions below):

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Signature of Judicial Officer

March 22, 2022

Date

PROB 49  
(3/89)

UNITED STATES DISTRICT COURT

**District of Nevada**

**Waiver of Hearing to Modify Conditions  
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

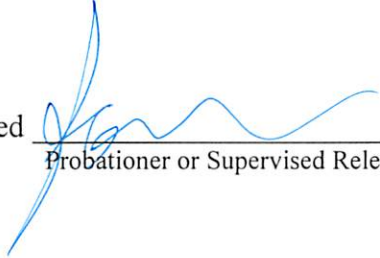
I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

1. **Alcohol Monitoring** – You must complete Alcohol Monitoring via Soberlink SL2 for a period of 90 days, as approved and directed by the probation officer. Offender to pay costs of the program based on his ability to do so.

Witness

  
U.S. Probation Officer

Signed

  
Probationer or Supervised Releasee

  
Date